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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,446	11/20/2001	Stephen Edward Ecob	169.2224	8539
5514	7590	08/30/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,446

Applicant(s)

STENPHEN

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-33 is/are rejected.
- 7) ☒ Claim(s) 16, 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1- 32 are presented for the examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 9, 11, 13, 14, 15, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randisky et al (US. Patent 5,668,996).

4. As to claims 1, Randisky et al teaches the invention substantially as claimed including: a device driver for a device in a information processing apparatus that executes an application (col 4, ln 9-17), application (audio content, col 6, ln 8-13/ col 4, ln 10-16), a first part of data (the timing information of original audio content/ a filename relative to mass storage device, col 6, ln 8-27/ col 8, ln 17-27), a device driver for said device (the compound device driver, col 6, ln 8-14), a second part of data (timing information specified by the application , col 4, ln 8-16/col 8, ln 18-27), generating said device driver for said device by using said first part of data and a second part of data stored in a memory(col 4, ln 8-14/ col 6, ln 17-28), memory stores said application and second part of data(col 5, ln 12-15 and ln 29-33). Randisky does not explicit teaches the term obtain a first part of data. However, Randisky teaches obtain a first part of data

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(an audio file is formatted, col 2, ln 60-61). It would have been obvious to one of the ordinary skill in the art at time the invention was made to apply the teaching of Randisky because Randisky's audio file formatted would allow CD-based application programs to be distributed and installed over networks, without any modifications to the application programs themselves.

5. As to claim 4, Randisky teaches second part of data is device model independent data (col 2, ln 27-30/col 4, ln 14-16).

6. As to claim 5, Randisky teaches configurares said first part of data with said second part of data (col 6, ln 10-14/col 8, ln 20-25).

7. As to claim 9, Randisky teaches copying said first part of data into a memory cart connected (col 6, ln 35-38).

8. As to claim 11, Randisky teaches data is obtained from a server over a network (col 4, ln 14-14/col 7, ln 50-53).

9. As to claim 13, Randisky teaches determining a model of a device to which said application is desired to interface with (col 8, ln 1-5).

10. As to claim 14, Randisky teaches determined through reading an identification string from said device (col 6, ln 15-19).

11. As to claim 15, Randisky teaches generating step is executed after said determining step (col 6, ln 17-27).

12. As to claims 21, 22, they are apparatus claims of claim 1; therefore, they are rejected for the same reason as claim 1 above.

13. As to claim 23, Randisky teaches computer program is stored in a memory medium (col 1, ln 10-20/ Fig. 1).

14. Claims 2, 3, 6-8, 10, 12, 18-20, 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randisky et al (US. Patent 5,668,996) in view of Admitted prior Art (APA).

15. As to claim 2, Randisky teaches device model dependent (col 4, ln 62-67).

Randisky does not teach configuration data. However, APA teaches configuration data (configuration file, page 2, ln 12-15).

16. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Randisky and APA because APA's configuration file would provides forward compatibility with updated printer hardware without the replacement of driver itself.

17. As to claim 3, Randisky teaches color conversion data to convert RGB color-space to a native color-space of said device (col 6, ln 23-27).

18. As to claim 6, APA teaches applicant in said memory is an unchangeable application (page 3, ln 15-19).

19. As to claim 7, 8, APA teaches a game console (page 3, ln 15-16).

20. As to claim 10, APA teaches first part of data is obtained from a disc for a printer (page 2, ln 12-16).

21. As to claim 12, APA teaches first part of data is obtained from a memory in a printer (page 2, ln 8-16).

22. As to claim 18, APA teaches a game (page 3, ln 15-19).

23. As to claim 19, APA teaches a USB connection (page 4, ln 9-11).

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24. As to claim 20, Randinsky teaches a user (col 3, ln 35-37/ col 6, ln 39-46).

25. As to claim 24, Randinsky teaches device driver code (the compound device driver, col 6, ln 8-27), a simple MCI device driver, col 2, ln 60-65/ col 7, ln 60-65/ Fig. 1), application (continuous media content, col 7, ln 60-65/ col 8, ln 1-10), a plurality of device modes (multimedia application programs, col 3, ln 16-18/ col 8, ln 1-10), device model independent device driver code (col 2, ln 25-31), determining a model of a device to which said application is desired to interface with (col 8, ln 1-7), mode dependent configuration data(timing parameter specified by the application program, col 6, ln 20-27), reading mode dependent configuration data for said model of said device(col 6, ln 20-27/col 8, col 20-27), configuring said device driver code with said mode dependent configuration(col 6, ln 12-27/ col 8,ln 17-27).

26. Randinsky does not explicit teaches the term “ unchangeable” for application. However, APA teaches unchangeable (Unchangeable, page 3, ln 17-18).

27. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Randinsky and APA because APA's Unchangeable would provide compatibility with new hardware.

28. As to claims 25, 25, 26, 27, they are apparatus claims of claims 8, 14, 9; therefore, they are rejected for the same reasons as claims 8, 14, 9 above.

29. As to claims 28, 29, 30, 31, 32, 33, they are apparatus claims of claims 24,19, 25-27; therefore, they are rejected for the same reasons as claims 24, 19, 25-27 above.

Allowable Subject Matter

30. Claims 16, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

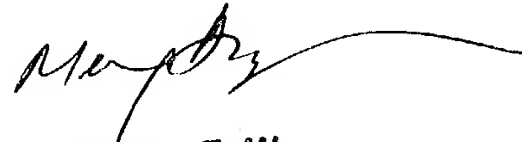
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

August 24, 2004


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100